IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 2622 of 1995

-

Between:

Koopparapu Ramesh Babu, S/o. Narasimhulu,
Cuddapah Town & Dist.

..... PETITIONER

AND

-

1 The Dist. Collector, Cuddapah.
2 The Mandal Revenue Officer, Pendlimarri (M),

Cuddapah District.
3 The Projector Officer P.G. Centre , Gangannapalli (V),
Pendlimarri (M), Cuddapah District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of Writ of Mandamus declaring the action of the 3rd respondent in taking steps to occupy the land admeasuring Acrs.5.05 in Survey No. 1468/1 of Gangannapalli (V) ,Pendlimarri (M), Cuddapah District belonging to the petitioner as per patta granted to him in DKT 1867/79 dt.31.3.1972 and without any authority from the respondents 1 & 2 as illegal, irregular , arbitrary, unjustified, unsustainable and unconstitutional and direct the respondents to forebear from taking any such steps to evict the petitioner from the lands and pass.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent Nos.1&2: GP FOR REVENUE

Counsel for Respondent NO.3: ---

The Court Made the Following ORDER:

This writ petition is filed by the petitioner for issuance of a Writ of Mandamus declaring the action of the 3rd respondent in taking steps to occupy the land admeasuring Acs.5.05 in Survey No.1468/1 of Gangannapalli Village, Pendlimarri Mandal, Cuddapah District belonging to the petitioner as per patta granted to him in DKT 1867/79 dated 31-3-1972 as illegal and arbitrary.

The land in an extent of Acs.5.05 in S.No.1468/1 of Gangannapalli Village was assigned to the petitioner by the then Tahasildar, through proceedings DKT No.1867/79 dated 31-03-1972. As per the patta conditions the land has to be brought under cultivation within three years from the date of resumption. Accordingly the petitioner brought the land under cultivation within three years and has been cultivating the same. The second respondent by order dated 19-5-1988 resumed the land on the ground that the petitioner has violated the conditions of assignment by not cultivating the land during 1988. Aggrieved by the same, the petitioner preferred an appeal before the Revenue Divisional Officer. By order dated 5-6-1990 the Revenue Divisional Officer confirmed the order of the second respondent against which the petitioner preferred a revision to the Joint Collector. The Joint Collector by order dated 28-6-1990 remanded the matter to the Revenue Divisional Officer for fresh disposal basing on the directions of this Court in W.P.No.11135 of 1989 dated 10-8-1989. Accordingly the Revenue Divisional Officer after considering all the facts and circumstances of the case, allowed the appeal setting aside the order of the second respondent. Thereafter the second respondent again issued a show cause notice on 17-6-1992 on the ground that the land assigned to the petitioner is required for public purpose. In response to the same the petitioner submitted his explanation. When the third respondent tried to interfere with the possession and enjoyment of the petitioner, he submitted a representation to the District Collector, the first respondent herein, which is still pending. The

main grievance of the petitioner is that the third respondent without following the due process of law is frequently trying to interfere with his possession and enjoyment of the land.

Heard both sides.

In view of the fact that the petitioner has already filed his objections to the notice issued on 17-6-1992, without going into the merits of the case, it would be suffice in the interest of justice to direct the second respondent to consider the same and pass appropriate orders, if the petitioner is still in possession, within a period of eight weeks from the date of receipt of a copy of this order. In the meanwhile, interim stay granted by this court shall continue.

With the above directions, the Writ Petition is disposed of. No costs.

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T. Meena Kumari, J.

12th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dist. Collector, Cuddapah.
2 The Mandal Revenue Officer, Pendlimarri (M),

Cuddapah District.
3 The Projector Officer P.G. Centre , Gangannapalli (V),
Pendlimarri (M), Cuddapah District.

4 Two CCs to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad. (OUT).

5 2 CD copies.